

INTERFERENCE DIGEST

Interference No. 105,551

Paper No.

Name: Jean-Louis Ruelle

Serial No.: 09/700,293

Patent No. 6,780,419, granted 08/24/04

Title: BASB029 polynucleotide(s) and polypeptides from neisseria meningitidis

Filed: 11/13/00

Interference with Scarlato

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

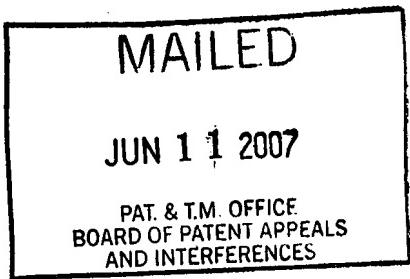
REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231



Filed by: Judge James T. Moore
Telephone: 571-272-4683
Facsimile: 571-273-0042

Patentees: RUELLE
Application No.: 09/700,293, now Patent No.
6,780,419, granted 08/24/04
Filed: 11/13/00
For: BASB029 polynucleotide(s) and polypeptides
from neisseria meningitidis

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,551.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/James T. Moore/
JAMES T. MOORE
Administrative Patent Judge

Paper 1

Mail Stop Interference
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Filed 11 June 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Administrative Patent Judge James T. Moore

Jean-Louis Ruelle
Junior Party
(Patent 6,780,419),

v.

Vincenzo Scarlato,
Vega Massignani, Rino Rappuoli,
Mariagrazia Pizza and Guido Grandi
Senior Party
(Application 11/212,443).

Patent Interference No. 105,551
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. ' 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-identified

3 parties. Details of the application, patent, count, and claims designated as

4 corresponding or as not corresponding to the count(s) appear in Parts E and F of this

5 DECLARATION.

6 **Part B. Judge managing the interference**

7 Administrative Patent Judge James T. Moore has been designated to manage

8 the interference. Bd. R. 104(a).

9 **Part C. Standing order**

10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this

11 DECLARATION. The STANDING ORDER applies to this interference.

12 **Part D. Initial conference call**

13 A telephone conference call to discuss the interference is set for 1:00 p.m. ET

14 on August 8, 2007 (the Board will initiate the call).

15 No later than 5:00 PM ET August 3, 2007, each party shall file and serve (SO

16 §§ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO §§ 104.2.1, 120 & 204)

17 the party intends to file.

18 A sample schedule for taking action during the motion phase appears as Form 2

19 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to

20 the conference call and to agree on dates for taking action. A typical motion period

21 lasts approximately eight (8) months. Counsel should be prepared to justify any request

22 for a shorter or longer period.

1 **Part E. Identification and order of the parties**

2 Junior Party

3 Named inventors: Jean-Louis Ruelle (Limal, Belgium)

4 Involved Patent: 6,780,419, issued August 24, 2004 from application
5 09/700,293, filed November 13, 2000

6

7 Title: BASB029 POLYNUCLEOTIDE(S) AND POLYPEPTIDES
8 FROM NEISSERIA MENINGITIDIS

9

10 Assignee: GLAXOSMITHKLINE BIOLOGICALS S.A.
11 980 GREAT WEST ROAD
12 ATTENTION: MICHAEL J. LUBIENSKI, GSK, CIP CN925.1
13 BRENTFORD, UNITED KINGDOM TW8 9GS
14 Correspondent: DANIEL M. BECKER
15 P.O. BOX 10004
16 PALO ALTO, CA 94303

17

18 Senior Party

19

20 Named Inventors: Vincenzo Scarlato (Siena, Italy)
21 Vega Massignani (Siena, Italy)
22 Rino Rappuoli (Siena, Italy)
23 Mariagrazia Pizza (Siena, Italy)
24 Guido Grandi (Siena, Italy)

25

26 Involved Application: 11/212,443, filed August 24, 2005

27

28 Title: MENINGOCOCCAL ANTIGENS

29

30 Assignee: CHIRON S.R.L.
31 VIA FIORENTINA 1
32 SIENA, ITALY 53100

33

34

35 The senior party is assigned exhibit numbers 1001-1999. The junior party is

36 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO § 154.2.1. The senior party
37 is responsible for initiating settlement discussions. SO § 126.1.

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2 **Part F. Count and claims of the parties**

3 Count 1

4 Claim 18 of application 11/212,443 or Claim 1 of Patent 6,780,419.

5 The claims of the parties are:

6 Ruelle: 1-15

7 Scarlato: 18-32

8 The claims of the parties which correspond to Count 1 are:

9 Ruelle: 1-15

10 Scarlato: 18-32

11 The claims of the parties which do not correspond to Count 1, and therefore are

12 not involved in the interference, are:

13 Ruelle: None

14 Scarlato: None

15 The parties are accorded the following benefit for Count 1:

16 Ruelle: None

17

18 Scarlato: 10/695,499 October 28, 2003

19 Scarlato: 09/302,626 April 30, 1999 (6,709,660)²

2 Do not order this file, it is missing and cannot be found at this time. Scarlato is ordered to produce a copy of its prosecution history in a paper accompanying this declaration or risk losing benefit.

1 **Part G. Heading to be used on papers**

2 The following heading must be used on all papers filed in this interference, see
3 SO & 106.1.1:

4 5 **UNITED STATES PATENT AND TRADEMARK OFFICE**

5 6

10 11 **BEFORE THE BOARD OF PATENT APPEALS**
12 AND INTERFERENCES
13 Administrative Patent Judge James T. Moore

14 15

16 17 Jean-Louis Ruelle
18 Junior Party
19 (Patent 6,780,419),
20

21 v.

22 23 Vincenzo Scarlato,
24 25 Vega Massignani, Rino Rappuoli,
26 Mariagrazia Pizza and Guido Grandi
27 Senior Party
28 (Application 11/212,443).
29 30

31 32

33 Patent Interference No. 105,551 (JTM)
34 (Technology Center 1600)
35

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this
DECLARATION with a hand-drawn circle around the patents and applications for which
a copy of a file wrapper is requested.

/James T. Moore/
Administrative Patent Judge

Enc:

**Copy of STANDING ORDER
Copy U.S. Patent 6,780,419
Copy of claims of 11/212,443**

Revised 3 January 2006

cc (via overnight delivery):

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